

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF WISCONSIN

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4 REBECCA TERRY,

5 Plaintiff,

6 -vs-

Case No. 17-CV-1112

7 COUNTY OF MILWAUKEE, et al.

8 Defendants.

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10
11
12 Deposition of DASHYLA ELLIOTT

13 Thursday, April 24th, 2018

14 10:03 a.m.

15 at

16 LEIB, KNOTT & GAYNOR, LLC
17 219 North Milwaukee Street, Suite 710
Milwaukee, Wisconsin

18
19
20 Reported by: Wendy L. Hanneman, RPR

		Page 6		Page 8
1	A	That's correct.	1	you work?
2	Q	Okay. Where are you currently employed?	2	Loft. It was called Ann Taylor Loft at the time.
3	A	Outagamie County Sheriff.	3	Mm-hmm. And how long did you work there?
4	Q	Outagamie County. What state is that?	4	October of 2006 until December 2010.
5	A	It's in Wisconsin.	5	Okay. Where did you work before that, if you remember?
6	Q	I'm only asking because it's Allegheny County out in Virginia.	6	Dillard's. It was a department store.
7	A	Oh, okay.	7	Mm-hmm. Any other jobs prior to that?
8		MS. KUGLER: It's Outagamie County.	8	Best Buy. This is all part-time jobs in college.
9		BY MS. DAVIS:	9	Okay. Was Dillard's part time as well?
10	Q	Oh, could you spell that for me?	10	Yes. The only full-time job I had was Milwaukee County Jail.
11	A	O-U-T-A-G-A-M-I-E.	11	Okay. Got it. And when did you graduate from college?
12	Q	What are you currently doing with Outagamie County?	12	In 2005.
13	A	Telecommunicator, dispatch.	13	What college did you go to?
14	Q	Is that with a particular department, or is it a --	14	UW-Milwaukee.
15	A	With the sheriff's office, I'm sorry, yes. Mm-hmm.	15	So prior to working with the Milwaukee County Jail, did you have any prior correctional officer experience?
16	Q	And prior to working with Outagamie County, what was your position?	16	No.
17	A	I was a correctional officer.	17	Any other law enforcement experience?
18	Q	When did you stop doing that?	18	No.
19	A	In January of this year.	19	When you were hired as a corrections officer with Milwaukee County, did you undergo any training?
20	Q	When did you start?	20	
21	A	February of '12. 2012.	21	
22	Q	Okay. And was that all with the Milwaukee County	22	
23			23	
24			24	
25			25	
		Page 7		Page 9
1		Sheriff's Office?	1	Yes.
2	A	Yes. But it was -- I started out at the Milwaukee	2	Okay. Was that the academy?
3		House of Corrections. It was all under the	3	Yes.
4		Milwaukee County Sheriff's Office at the time,	4	Okay. How long was that training program?
5		though.	5	Six-week training.
6	Q	Okay. So you started in February of 2012 at the	6	Was there any other training after that?
7		Milwaukee County House of Corrections?	7	Annual training.
8	A	Yes.	8	What was the annual training?
9	Q	How long were you there?	9	I don't know. It varied every year. I was there
10	A	Until November of 2012.	10	for six years, so I don't know what training was about every time.
11	Q	And then where did you go?	11	Okay.
12	A	To Milwaukee County Jail.	12	I don't remember, I'm sorry.
13	Q	And were you there throughout -- until January	13	No, that's fair. Were there any annual trainings
14		2018?	14	that were repeated?
15	A	Yes.	15	Yes.
16	Q	Okay. When you left the Milwaukee County Jail,	16	Okay. Do you remember which ones those were?
17		were you a corrections officer, or were you	17	CPR. Um, dealing with, um, mental health inmates.
18		promoted at any point?	18	Okay.
19	A	I was a corrections officer.	19	Always POSC, which is basically subject control.
20	Q	Prior to working with the Milwaukee County Jail,	20	MR. ARNOLD: I'm sorry, what's the word
21		where did you work?	21	you're using?
22	A	I worked for Aldi, Inc.	22	THE WITNESS: POSC is an acronym.
23	Q	How long did you work there?	23	P-O-S-C.
24	A	February 2010 until February 2012.	24	
25	Q	Okay. And prior to working with Aldi, where did	25	

	Page 22	Page 24
1 A	The pod access?	1 BY MS. DAVIS:
2 Q	Yeah.	2 Q Okay. I'm handing you what's been marked as
3	MR. ARNOLD: If you know.	3 Exhibit Number 4. You can take a second to look
4	THE WITNESS: The pod is the SMU.	4 that over.
5	MS. DAVIS: Okay.	5 A Okay.
6 Q	And then going down to IM 8.1.7 on the same page, 7 the first bullet point under the infirmary, 8 "Officer shall: Conduct 30-minute inspections of 9 inmate cells and general living areas and document 10 the inspection in the pod logbook," correct?	6 Q Okay. Do you recognize this document?
11 A	Yes.	7 A Mm-hmm.
12 Q	Did you have to conduct these 30-minute inspections 13 when you were stationed in the SMU?	8 Q Do you remember receiving a copy of it?
14 A	Yes.	9 A I don't --
15 Q	Were there ever any instructions during the roll 16 call about conducting these inspections?	10 Q Okay.
17 A	Conducting the inspections in general, yes.	11 A -- remember.
18 Q	Okay. When you say "in general", do you mean in 19 all the housing units?	12 Q Do you remember having any trainings on an updated 13 policy for the Special Medical Unit?
20 A	Yes.	14 A I don't remember.
21 Q	Okay. Were there ever -- well, earlier you said 22 that there were reminders of how to enter jail logs 23 at roll call?	15 Q And then at the top of the first page, it says, 16 "Second revision, 10/20/14," correct?
24 A	Yes.	17 A Mm-hmm.
25 Q	Were there reminders about entering the information	18 Q And that was during your time at the Milwaukee 19 County Jail, correct?
	Page 23	Page 25
1	for 30-minute inspections at roll call?	1 staff at the jail?
2	MS. KUGLER: Objection. Form.	2 MS. KUGLER: Objection. Form.
3	THE WITNESS: Just make sure we were	3 THE WITNESS: That was covered in our
4	doing within 30 minutes.	4 regular training.
5	BY MS. DAVIS:	5 BY MS. DAVIS:
6 Q	Okay. And when you were trained on conducting the 7 30-minute inspections, were you told how to either 8 start or stop a timer that would monitor when you 9 did the inspection?	6 Q In the regular training, okay. Do you remember the 7 training about communicating with the medical 8 staff?
10 A	I was initially trained at the House of 11 Corrections, and we did not start or -- start 12 inspections, but we always marked them complete.	9 A Yes.
13 Q	Okay. And was there any subsequent training at the 14 jail, as opposed to at House of Corrections, about 15 entering the inspection time?	10 Q Do you remember what subjects were covered?
16 A	When I came down, some officers were doing it like 17 that, but some were not.	11 A Yes.
18 Q	Okay.	12 Q Okay. Could you tell me a little bit about that 13 training?
19 A	I was told that you do everything that was issued a 20 button in the jail log, and there was no start 21 button for inspections in the jail log.	14 A As far as communication with the nurses, you call 15 them when an inmate was in distress, call them, 16 talk to -- I don't know, you just talk to them if 17 you need to.
22 Q	Okay. Do you remember receiving any updated 23 policies about the infirmary or the SMU?	18 Q Okay. And how would you know if an inmate was in 19 distress in the Special Medical Unit?
24 A	I don't remember. (Exh. 4 marked for identification.)	20 A They would either yell out and tell you, they'd be 21 in the day room and tell you, or they'll use their call button.
25		22 Q And during those 30-minute inspections, or the 23 inspections that were every 30 minutes, did you have to check and see if any of the inmates were in

	Page 26		Page 28
1	distress?	1	BY MS. DAVIS:
2	MS. KUGLER: Objection. Form.	2	Q Handing you what's been marked as Exhibit Number 5.
3	THE WITNESS: It was a visual inspection.	3	We don't need to look through the whole thing, I'm
4	BY MS. DAVIS:	4	just going to ask you a few questions.
5	Q What is a visual inspection?	5	A Okay.
6	A Looking at the individual to see if they're in	6	Q I'm giving you the whole document, just because we
7	obvious distress.	7	have the whole document. Do you recognize this
8	Q Did you ever work in the Special Needs Unit?	8	jail training?
9	A Rarely, but I have worked in there before.	9	A Yes.
10	Q Okay. Did you receive any training on working in	10	Q Okay. Did you receive a copy of it ever?
11	the Special Needs Unit?	11	A Yes.
12	A Rarely -- no, because I hardly ever worked in	12	Q When did you receive a copy of it?
13	there.	13	A When I began in training with the academy.
14	Q Did you --	14	Q Okay. So every CO went through a training on this
15	A I could tell you that if I worked in there, it was	15	"Supervise "Special" Needs Inmates/Crisis
16	always with a partner that was trained in that	16	Intervention"?
17	area, and that the times that I have worked in	17	A In training.
18	there, it was on a special watch.	18	Q To the best of your recollection, during the
19	Q So you said you worked with people that were	19	training guide -- or during the training for this
20	trained to work in there?	20	guide, were you trained on how to determine if an
21	A (Witness nods head.)	21	inmate was undergoing what was considered normal
22	Q Do you know what that training entailed?	22	emotional distress?
23	A Not all of it, no.	23	MS. KUGLER: Objection. Form.
24	Q Do you know some of it?	24	THE WITNESS: Yes.
25	A No, I don't know specifically. I was given a	25	
	Page 27		Page 29
1	general training.	1	BY MS. DAVIS:
2	Q Mm-hmm.	2	Q Okay. Were you trained on how to determine if an
3	A But not the more specific word that they called it,	3	inmate was undergoing possibly serious emotional
4	CIT training.	4	distress?
5	Q Do you know what that stands for?	5	A Yes. General training.
6	A No, because I'm not trained in it.	6	Q Were you trained on how to supervise inmates who
7	Q Okay, that's okay. Who decided who was given the	7	may be suicide risks?
8	CIT training?	8	A Yes.
9	A Um, it was usually a roll call issue where they	9	Q Were you trained on how to supervise inmates with
10	asked if you wanted specialized training in this	10	intellectual disabilities?
11	area, to sign up for it.	11	A Yes.
12	Q Was there any other specialized training announced	12	Q Were you trained on how to intervene in a crisis?
13	during roll call?	13	A Yes.
14	A As far as what? It was always announced that if	14	Q Was this training specific for inmates who were
15	you wanted additional training in different areas.	15	housed in the Special Needs Unit?
16	Q Okay. Do you remember any of the areas that they	16	A Um, well, sometimes you don't -- you see it in the
17	offered specialized or additional training on?	17	booking room, you don't always see it in -- when
18	A Yeah, if you wanted to be an AFIS officer, a	18	they make it this far.
19	weapons officer. If you wanted to be trained in	19	Q So is it fair to say that you would apply this
20	release. Different areas. All areas of the jail.	20	training to any area of the jail that you were
21	If you wanted to be a CERT member, Corrections	21	working in?
22	Emergency Response Team. Yeah.	22	A Yes.
23	Q Okay. All right.	23	Q And was there additional training offered during
24	(Exh. 5 marked for identification.)	24	roll call for working in the Special Needs Unit?
25		25	A There was sometimes roll call reminders about that,

	Page 30		Page 32
1	yeah.	1	suicide. Um, I do remember talking about getting inmates PSWs, which is psych social workers, if they asked for them.
2 Q	Okay. Was there any certification that you received after this training?	2	Mm-hmm.
3		3	Some of this stuff was covered, yes.
4	MR. ARNOLD: Object to the form of the question. Which training are you referring to?	4 Q	Okay. Can you tell me which areas were covered, outside of the suicide risk, suicide, and PSW?
5		5 A	MS. KUGLER: Objection. Form, foundation.
6 BY MS. DAVIS:		6	MR. ARNOLD: If you remember.
7 Q	Was there any certification that you received after the Supervise "Special" Needs Inmates/Crisis Intervention training?	7	MS. DAVIS: If you remember.
8		8	THE WITNESS: That's all I remember.
9		9	
10	MS. KUGLER: Thank you.	10	
11	THE WITNESS: You mean additional training?	11	
12		12	
13 BY MS. DAVIS:		13 BY MS. DAVIS:	
14 Q	Any certification?	14 Q	Okay. Do you remember going through any training on jail health care while you were in the academy?
15 A	Me specifically, no.	15 A	Yes.
16 Q	Okay. Do you know how long the training was for the Supervise "Special" Needs Inmates/Crisis Intervention training?	17 Q	Do you remember during that training there was a PowerPoint that was used to go over the information?
17		18 A	I don't remember, but it was almost a PowerPoint for everything in training, so.
18		19 Q	Okay.
19 A	No.	20 A	(Exh. 6 marked for identification.)
20 Q	Okay.	21 Q	
21 A	Because I'm not trained in it.	22 A	BY MS. DAVIS:
22 Q	So when they gave you this guide during the academy, did they do any training related to it?	23 Q	I'm handing you what's marked as Exhibit 6.
23		24	
24 A	We got very general training. And this -- I'm not even sure if this is the right document, if this is	25	
	Page 31		Page 33
1	a CIT training document, or if this is basically how to spot inmates that may be going through a crisis.	1 A	Mm-hmm.
2		2 Q	Again, we're not going to go through all of this document, I just wanted to give you the whole thing in case you wanted to look through it. Do you recognize this document?
3		3 A	Um, yes.
4 Q	Okay.	4 Q	Is it one of the documents that you received during the academy?
5 A	So I don't know by looking at this. This might be the specialized training document, I'm not sure.	5 A	MR. ARNOLD: If you know.
6		6 Q	THE WITNESS: It probably was. I don't remember every single document that was given to me in training.
7 Q	Okay.	7	
8 A	For the CIT.	8	
9 Q	So when you did receive training on recognizing emotional distress at the academy, about how long was that training?	9	
10		10	
11		11	
12 A	It was six years ago, I don't remember.	12	
13 Q	Okay. Earlier you mentioned that you had that mental health training hosted by Armor in October 2017, right?	13 BY MS. DAVIS:	
14		14 Q	Okay. That's fair. So to the best of your recollection during the training on jail health care, do you remember being trained on assisting people housed in the Special Medical Unit?
15		15 A	It was no specialized training for that.
16 A	What was the question?	16 Q	Okay. Did the training include instructions on helping to provide health care to inmates?
17 Q	You mentioned earlier that there was a mental health training in October 2017?	17 A	Yes.
18		18 Q	Did it include training on administering medication?
19 A	Yes.	19 A	We don't give medication.
20 Q	Did that cover any of the topics that are covered in this training guide?	20 Q	Okay. Who gives the medication in the jail?
21		21	
22 A	I didn't look through all of it, but.	22	
23 Q	Take your time and you can flip through the table of contents if you want.	23	
24 A	I do remember talking about suicide risk and	24	
25		25	

	Page 34		Page 36
1 A	The nurse.	1	Conduct screening for inmate health." Were you
2 Q	And do you ever have to notify the nurse that an	2	trained on conducting screenings for inmate health?
3	inmate needs medication?	3 A	I don't know what that is.
4 A	They have med passes. We notify a nurse if an	4 Q	Okay. Going down to the slide on the bottom right
5	inmate says they didn't get their meds.	5	side. Do you remember being trained on responding
6 Q	Was there any training on following medical orders?	6	to inmate needs or request for medical care?
7 A	Yes.	7 A	Yes.
8 Q	To the best of your recollection, were you trained	8 Q	Okay.
9	on the duty to care for inmates?	9	MR. ARNOLD: I'm sorry, where were you
10 A	Yes.	10	referring to?
11	MS. KUGLER: Objection. Form.	11	MS. DAVIS: Page 10, bottom right slide.
12 BY MS. DAVIS:		12	MR. ARNOLD: Okay, thank you.
13 Q	To the best of your recollection, were you trained	13	MS. DAVIS: Mm-hmm.
14	on how to respond to requests for medical care?	14 Q	And then if we go to Page 11, the top right slide.
15 A	Yes.	15	Were you trained on controlling, administering,
16 Q	Going back to the training on the duty to care for	16	and/or delivering medication?
17	inmates, do you remember any part of that training	17 A	We don't administer medication, the nurse does
18	in particular?	18	that.
19 A	Basically that we have a duty to get inmates help	19 Q	Okay. Were you trained on providing health care,
20	if they ask. Um, and if we don't do that, we could	20	emergency and non-emergency?
21	be criminally charged and sued civilly.	21 A	I call the nurse. I don't provide health care, I'm
22 Q	So they walked you through legal, like I guess	22	not trained to do that.
23	legal consequences of the duty to --	23 Q	Okay. And, then, were you trained to maintain
24 A	Yes.	24	health care records?
25 Q	Okay. I asked you about PowerPoints, so we're	25 A	I don't -- I don't maintain health care records.
	Page 35		Page 37
1	going to go ahead and look through this one.	1 Q	Okay. So is it fair to say that of those three
2	(Exh. 7 marked for identification.)	2	topics we talked about on this slide, would those
3 BY MS. DAVIS:		3	be areas where you would call the nurse as opposed
4 Q	I'm handing you what's been marked as	4	to doing something yourself?
5	Exhibit Number 7. Do you recognize this	5 A	Yes.
6	PowerPoint?	6	MS. KUGLER: Objection to form.
7 A	Not specifically.	7 BY MS. DAVIS:	
8 Q	Okay. Let's just walk through a couple of things,	8 Q	Was this training -- scratch that. During this
9	then. Do you remember being trained on Wisconsin	9	training, were you instructed on when you were to
10	State Statute 302.38? That's on the first page.	10	contact medical staff?
11 A	I remember hearing about that.	11 A	Yes.
12 Q	Do you remember hearing about Wisconsin Statute	12 Q	Okay. All right. The training for jail health
13	302.365? It's on the second page.	13	care and working with special needs inmates were
14 A	I remember hearing about this.	14	both done during the academy, correct?
15 Q	Okay. Then turning to the third page, do you	15 A	A general training, yes.
16	remember hearing about Administrative Code 350?	16 Q	Okay. Who led the trainings in the academy?
17 A	Yes.	17	MR. ARNOLD: If you know.
18 Q	On the top left slide on Page 3, is that the legal	18	THE WITNESS: There was this nurse named
19	requirement that you remember being trained on?	19	Lisa. I don't remember her -- Krueger. Krueger,
20 A	Yes.	20	maybe. She did one of the trainings that I
21 Q	If you turn to Page 9, do you remember being	21	remember specifically. But that's the only one I
22	trained on the case law listed on this page?	22	remember.
23 A	Yep. Yes.	23 BY MS. DAVIS:	
24 Q	And if you flip over to Page 10, on the top right	24 Q	Okay. Were any of the trainings conducted by staff
25	slide it says, "Duties of the Jail Officer.	25	from the Milwaukee County Sheriff's Office?

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1 A	I believe she did work for the Milwaukee County Sheriff's Office.	1	from the 9th into the 10th of March in 2014?
2 Q	So were all the instructors employees of the Milwaukee County Sheriff's Office?	2	MS. KUGLER: Objection. Form.
3		3	MS. DAVIS: Actually, let me take it back.
4		4	
5	MR. ARNOLD: Objection. Foundation.	5 Q	Why is your name in both of these columns?
6	MS. KUGLER: Objection.	6 A	Because I worked on both of those days.
7	BY MS. DAVIS:	7 Q	Okay. Did you work the third shift on both days?
8 Q	If you know, were the trainings provided by employees of the Milwaukee County Sheriff's Office?	8 A	It says I did.
9		9 Q	Okay. And you were in the fourth floor control on both days?
10 A	The only one I remember was Lisa, and she was employed by the Milwaukee County Sheriff's Office.	10 A	Yes.
11		11 Q	Okay. Being stationed on the fourth floor control, did you ever leave and go to any other housing units?
12 Q	Okay. Did you have any trainings for employees of the Milwaukee County Sheriff's Office, where someone that did not work for the Milwaukee County Sheriff's Office was brought in to conduct the training?	12 A	Well, on fourth floor control, we sit on the floor control, and every 30 minutes we go into the three housing units and conduct inspections.
13		13	
14		14 A	What are the three housing units?
15		15 Q	4A, 4B, and 4C.
16		16 Q	Would you inspect all three of those units by yourself?
17 A	Just the times when Armor gave presentations. That's the only one I remember.	17 A	No, um, we have a partner. So on that specific day, we come up with a, um, method, a way -- we come up with an agreement of how we're going to do the inspections.
18		18 Q	
19 Q	Okay. Outside of Armor and the Milwaukee County Sheriff's Office, do you recall any other group that conducted a training that you attended while working for the Milwaukee County Jail?	19 A	
20		20 Q	
21		21 A	
22		22 A	
23	MS. KUGLER: Objection. Form.	23 Q	
24	THE WITNESS: Not that I can remember right away.	24 A	
25		25 Q	
	Page 39		Page 41
1	MS. DAVIS: Okay. All right.	1 Q	Okay. And would both of you do the inspection at the same time?
2	(Exh. 8 marked for identification.)	2	
3	BY MS. DAVIS:	3 A	No. Somebody has to sit on the floor control.
4 Q	I'm handing you what's been marked as Exhibit Number 8. Do you recognize this document?	4 Q	Okay.
5		5 A	At all times.
6 A	No.	6 Q	How do you -- how do you conduct the inspection?
7 Q	Okay. Based on the title of the document, do you know what it is?	7	Can you just walk me through what that process is?
8		8 A	Well, like I said, you and your partner come up with an agreement of how you're going to do the inspections, and you can start in any -- any one of the three housing units I just named, you can start on any one.
9 A	It looks like the monthly shift assignments.	9	
10 Q	Okay. And is that your name in the bottom left column close to where the word "3rd" is written?	10	
11		11	
12 A	Yes. Towards the middle.	12	
13 Q	And next to your name it says "4FC"?	13	Um, sometimes, um, based off the sex of the inmates, the female would just do the female pods and the male would do -- would not go in there at all. So at one time the females were in A and C, so then I would have to do those the entire night, while the male officer would just do B.
14 A	Yes.	14	Or me and my partner, if we were both females, we would go in and do the inspections.
15 Q	What does that stand for?	15	We'll do A, B, and C a couple times, and the next person will do it a couple times. We'll do half of the inspections a night, and then the second half of the shift the other person will do them.
16 A	"Fourth floor control".	16	
17 Q	And what does that mean?	17	
18 A	That means for third shift on that specific date, I was working on fourth floor control.	18	
19		19	
20 Q	Is that the entire fourth floor?	20	
21 A	Yes.	21	
22 Q	Okay. And then almost parallel in the next column over, is that your name as well?	22	
23		23	
24 A	Yes.	24	
25 Q	And is that because the third shift carried over	25 Q	Okay.